

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Nadia GARDEL et al.)	Group Art Unit: 1616
)	
Application No.: 10/784,909)	Examiner: Ali SOROUGH
)	
Filed: February 24, 2004)	Confirmation No.: 6147
)	
For: WATER-IN-OIL EMULSION)	
FOUNDATION COMPRISING A)	
POLYOL)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via EFS Web

Sir:

TERMINAL DISCLAIMER

Assignee, L 'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title, and interest in and to the above-identified Application No. 10/784,909, filed February 24, 2004 for WATER-IN-OIL EMULSION FOUNDATION COMPRISING A POLYOL in the names of Nadia Gardel, Véronique Barrois, and Sandrine Champenois, as indicated by assignment(s) duly recorded in the United States Patent and Trademark Office at Reel 015928, Frame 0435 on October 27, 2004.

Assignee, L 'Oréal S.A., further represents that it is the assignee of the entire right, title, and interest in and to U.S. Application No. 10/603,698, now issued as U.S.

Patent No. 7,776,348, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015786, Frame 0379, on September 15, 2004.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S Patent No. 7,776,348. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$160.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please

charge the fees to Deposit Account 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A handwritten signature in black ink, appearing to read 'M. D. Sweet', written over a horizontal line.

Dated: February 13, 2012

By: _____
Mark D. Sweet
Reg. No. 41,469